



**National Transportation Safety Board  
Washington, D.C. 20594**

March 17, 2019

Mr. Beryl Lipton  
MuckRock News  
DEPT MR 24860  
411A Highland Ave  
Somerville, Massachusetts 02144-2516

Re: National Transportation Safety Board (NTSB)  
Freedom of Information Act (FOIA) No. FOIA-2016-00324

Dear Mr. Lipton:

This letter responds to your FOIA request for information regarding the above accident. In your request, you seek the manual that this FOIA office uses to process FOIA requests, or, if no manual exists, other guiding documentation/protocols for processing Freedom of Information Act Requests, all guides to agency FOIA request regulations, all guidelines and regulations regarding the submission and processing of appeals, including but not limited to: The appropriate person or position to whom an appeal should be submitted, the appropriate address to which an appeal should be submitted, and any appropriate fax numbers and email addresses available for the submission of appeals, all guidelines regarding the processing time and procedures for appeals, and all rights related to the submission of appeals, including those

related to appeal rights for constructive denial.

The FOIA processing information you are seeking can be located on our website at the following link: <https://www.ntsb.gov/about/foia/Pages/default.aspx>.

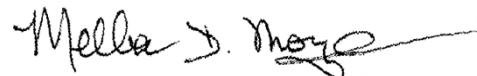
To the extent you seek a copy of the FOIA Manual I determined that certain documents are exempt from the FOIA pursuant to 5 U.S.C. 552(b)(4), commercially sensitive or proprietary information voluntarily given us “of a kind that would customarily not be released to the public by the person from whom it was obtained.” See Critical Mass Project v. NRC, 975 F.2d 871 (D.C. Cir. 1992) and 5 U.S.C. § 552(b)(5) (“Exemption 5”), which exempts from disclosure “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.” Exemption 5 exempts from disclosure agency records that are preliminary and deliberative. National Wildlife Fed'n v. Forest Serv., 861 F.2d 1114 (9th Cir. 1988); Jowett, Inc. v. Department of the Navy, 729 F. Supp. 871 (D.D.C. 1989). Overall, Exemption 5 justifies withholding material that reflects the Safety Board's deliberative process from disclosure in order to ensure the free flow of

information during the course of our investigations and other projects. Mead Data Cent., Inc. v. Department of the Air Force, 566 F.2d 242, 256 (D.C. Cir. 1977). Pursuant to this exemption. Pursuant to these exemptions, I withheld FOIA Draft Standard Operating Procedures.

The NTSB has concluded processing your FOIA. No fees are being charged for processing the request. You may contact Ms. Joy Gordon, the analyst who processed your request, as well as our FOIA Public Liaison at 202-314-6540 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: OGIS, NARA, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the NTSB, Attn: Ms. Sharon Bryson, Managing Director, 490 L'Enfant Plaza, SW, Washington, D.C. 20594. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

Sincerely,



Melba D. Moye  
FOIA Officer